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PTO/SB/66 (08-08)  
Approved for use through 04/30/2009. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)  
**LYNM-002**

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,812,400 Application Number 09490903  
Issue Date 11/02/04 Filing Date 01/25/00

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above - identified patent:

12/24/2008 CNGUYEN2 00000069 6612400  
01 FC:1599

2130.00 DP

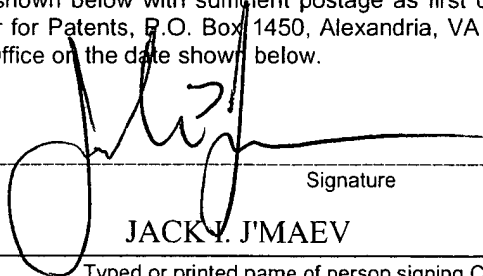
- ☐ is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

12/19/2008

Date

  
\_\_\_\_\_  
Signature

**JACK V. J'MAEV**

Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ 490.00	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 490.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640.00

## 5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2,130.00.☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. \_\_\_\_\_.

## 7. OVERPAYMENT

As to any overpayment made please

- ☐ Credit to Deposit Account No. \_\_\_\_\_
- OR ☐ Send refund check.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

## 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

\_\_\_\_\_  
Signature(s) of Petitioner(s)

12/19/2008  
Date

JACK I. J'MAEV  
Typed or printed name(s)

45,669  
Registration Number, if applicable

909-437-8390  
Telephone Number

14175 TELEPHONE AVE. STE L  
Address

CHINO, CA 91710  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES:

- ☒ Maintenance Fee payment
- ☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☒ STATEMENT OF FACTS PERTAINING TO UNTIMELY PAYMENT



I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class in an envelope addressed to:

Assistant Commissioner for Patents  
Mail Stop Petition  
PO Box 2327  
Arlington, VA 22202

On: December 12, 2008  
By: Jack Jmaev

Typed or printed name of person signing this certificate: Jack Jmaev

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re Application of:.</b>	Lynch	<b>Docket No.:</b>	LN YM-002
<b>Serial No. :</b>	09/490,903	<b>Art Unit:</b>	2833
<b>Filed:</b>	Jan 25, 2000	<b>Examiner:</b>	Ngyuen, C.

**Pat. No.** 6,812,400  
**Title:** Bird Guard

December 12, 2008

BOX NON-FEE  
Assistant Commissioner for Patent  
PO Box 2327  
Arlington, VA 22202

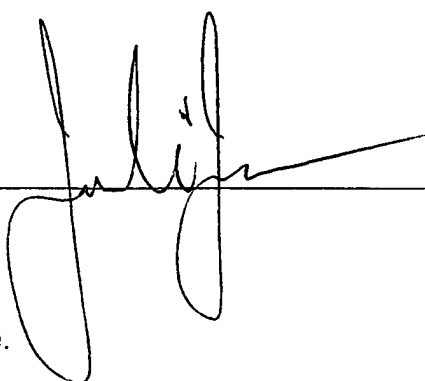
**PETITION**

Applicant petitions for reinstatement of the subject patent, now expired for untimely payment of maintenance fees under 35 USC 41(c)(1). Applicant has submitted the maintenance fee for 3.5 years and the petition fee as required under 37 CFR 1.20(i)(2).

## FACTS PERTAINING TO UNTIMELY PAYMENT OF MAINTENANCE FEE

- 1) When maintenance fees became due, applicant's attorney and applicant misunderstood a conversation as to who would pay maintenance fee. Applicant and attorney each believed the other would pay the maintenance fee. Applicant's attorney only became aware of non-payment of the maintenance fee upon receipt of the NOTICE OF PATENT EXPIRATION which the USPTO mailed on 12/1/08.
- 2) Untimely payment was non-intentional and resulted from an ordinary miscommunication.
- 3) Applicant prays for reinstatement.

Respectfully Submitted,



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Jack I. J'maev  
Reg. No. 45,669  
12616 Lewis Ave.  
Chino, CA 91710  
Ph. 909-437-8390